

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FACTORY DIRECT
LINERS, INC., a Georgia
corporation,

Plaintiff,

Case No. 2:16-cv-10031
Judge David M. Lawson
Magistrate Judge Anthony P. Patti

v.

SPARTAN POOLS, INC., a
Michigan corporation,

Defendant.

**SUPPLEMENTAL ORDER REGARDING
PLAINTIFF'S OCTOBER 25, 2016 MOTION TO COMPEL (DE 15)**

This Court's October 27, 2016 order granted in part and held in abeyance in part Plaintiff's October 25, 2016 motion to compel. (DEs 15, 21.) Specifically, the order required Defendant to produce Mr. Zeros for deposition by Plaintiff while its counsel was in Michigan for the settlement conference, but held in abeyance the issue of payment of a witness fee – expert or otherwise – to Mr. Zeros.

On Friday, October 28, 2016, the parties and counsel appeared for a settlement conference. At the conclusion of the conference, a settlement was placed on the record. Accordingly, the request for witness fees, previously held in abeyance, is now **DENIED WITHOUT PREJUDICE AS MOOT**, and the parties are excused from the briefing schedule related to that issue. (DE 21.)

Likewise, the requirement that Defendant produce Thomas Zeros, CPA, for deposition by October 29, 2016 was also **RENDERED MOOT**, by virtue of the settlement.

IT IS SO ORDERED.

Dated: October 31, 2016

s/Anthony P. Patti

Anthony P. Patti

U.S. MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record On October 31, 2016, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti